



# BLUE WATER FISHERMEN'S ASSOCIATION

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March 30, 2016

The President  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President,

Blue Water Fishermen's Association (BWFA) is proud to be the organization that speaks for the U.S. Atlantic pelagic longline (PLL) fishery which for decades has provided U.S. consumers with safe, nutritious and sustainable Atlantic swordfish, tuna and other pelagic species of fish. Our fishery has achieved the highest standard of conservation in the world for these highly migratory fish stocks and for the bycatch of protected species.

We understand that you are considering a petition from the Conservation Law Foundation (CLF) to designate a National Monument pursuant to the American Antiquities Act of 1906 in an area of submarine canyons and seamounts off the coast of New England, and that such designation could include a closure of our fishery within the Monument boundaries.

While we fully respect that your authority under the Antiquities Act is broad, we likewise respectfully request that you consider the following four principles in your evaluation of the petition:

- 1) that the area is unique in some significant way;
- 2) that the area is not otherwise sufficiently protected;
- 3) that, if designated, the Monument only limit those activities that pose a scientifically documented threat to the unique features of the area; and
- 4) that, if designated, the Monument seek to minimize any adverse economic impacts.

With these principles in mind, our own evaluation of the petition leads us to question whether the designation should be made at all given that, pursuant to its authority under the Magnuson-Stevens Act, the New England Fishery Management Council is currently mid-stream in a process to develop protections for the benthic habitats including deep-sea corals that are at the heart of this petition. This Council, as well as the Mid-Atlantic and South Atlantic Fisheries Management Councils, have clearly demonstrated their effectiveness and commitment to developing management plans to protect these deep-

water benthic resources from fishery impacts. Your decision not to pursue the Cashes Ledge Monument designation petition from CLF is a testament to that fact.

As explained in greater detail below, if the Monument designation is made, we do not believe it should include a closure of our surface fishery because it poses no physical or biological threat whatsoever to deep-water benthic ecosystems or habitats.

Further, with respect to the pelagic, highly migratory species of fish we catch, and the protected species we incidentally interact with, there is a comprehensive and effective multilateral and domestic conservation and management regime in place for our fishery that transcends any in the world. A closure of our fishery in the Monument area would not provide any additional benefit to the conservation of highly migratory species of fish or protected species such as sea turtles and marine mammals.

In fact, we believe a closure could instead have the perverse consequence of a net reduction in the conservation of those species at the hands of poorly monitored and controlled foreign fisheries, while at the same time causing an adverse economic impact on our sustainably managed fishery and associated coastal communities and shoreside enterprises.

We note that these same conclusions would equally apply to other U.S. surface fisheries operating in these areas.

With that in mind, we are grateful for your consideration of the following additional information.

### **No Threat to Benthic Ecosystems or Habitats**

The U.S. PLL fishery is a surface fishery. Our gear is fished to a maximum depth of only 50 meters. It has no physical impact on the deep water benthic habitats, individual species and ecosystems that are the focus of the Monument proposal. The fact that these benthic habitats are frequently described as being pristine by the petitioners – and that the U.S. PLL fishery has operated in this area for more than 5 decades – confirms the obvious conclusion that the U.S. PLL fishery poses no threat to these benthic ecosystems and habitats.

Further, the New England Fishery Management Council has studied these canyon and seamount areas extensively and is in the process of developing a Deep-Sea Coral Amendment to prevent damage from fisheries. In its comprehensive review of the relevant science, the Council has not identified the pelagic longline fishery or other surface fisheries as presenting any threat to these deep-water ecosystems.

### **No Conservation Benefit to Pelagic Species**

The proposed areas have been described as unique “hot spots” for pelagic marine species. BWFA disputes that mischaracterization.

In any given year – or at any time of year – continental shelf, shelf break and slope areas from the Florida Straits to Grand Banks can be exceptionally productive areas for pelagic species of fish, marine mammals and sea turtles. Thus, while the proposed canyons and seamount surface waters are certainly productive areas for pelagic species, they are not uniquely so relative to the other millions of square miles of Atlantic continental shelf and slope waters, or the vast areas surrounding the hundreds if not thousands of seamounts in the Atlantic. These are highly dynamic environments influenced by all manner of highly dynamic oceanographic and climatological forces, not the least of which is the Gulf Stream and its eddies. While the benthic environments of these canyons and seamounts may be found to be unique, the surface waters are clearly not.

By definition, highly migratory species of fish such as swordfish, marlin, tunas and pelagic sharks regularly pass freely in and out of these areas - in and out of the U.S. Exclusive Economic Zones (EEZ) and the EEZs of other nations - and in and out of the adjacent high seas. The same is true for the pelagic protected sea turtle and marine mammal species that also distribute widely and variably.

Closing the Monument area to the U.S. PLL fishery would not provide a refuge for these highly migratory fish and protected species. They would not know where the boundaries are, nor would they care. Their distribution is largely a function of the distribution of food and of the physical oceanographic conditions such as water temperature, currents and the vertical structure of water masses all of which are highly dynamic intra-annually and inter-annually. In any given year, and at any given time of year, these fish and protected species are subject to fishing and bycatch throughout the Atlantic by many foreign fishing nations.

Because these pelagic species are far from being resident to the proposed areas, no conservation benefit would be achieved by closing these areas to U.S. surface fisheries such as the U.S. pelagic longline fishery. Many of the same stocks of fish and protected species will continue to be subject to the fisheries of many nations throughout extremely large areas of the Atlantic.

### **Counterproductive to Pelagic Species Conservation**

Highly migratory fish stocks are intensively managed multilaterally by the International Commission for the Conservation of Atlantic Tunas (ICCAT), and domestically by the NOAA Highly Migratory Species (HMS) Division pursuant to multiple statutory authorities including the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, the Endangered Species Act and the Marine Mammal Protection Act. Both the ICCAT and domestic management regimes are science-based, and ICCAT now has what is perhaps the most effective compliance program of any Regional Fishery Management Organization (RFMO) for tuna in the world.

We note that these canyons and seamounts are not identified by either the domestic or ICCAT management regime as in need of special additional management measures such as a closure of our fishery for the purposes of HMS or protected species conservation.

Still, the U.S. PLL fleet could suffer a reduction in its overall fishing effort and catch if the proposed areas are closed. This is because U.S. PLL vessels are very small compared to the vessels of major PLL fishing nations such as China, Taiwan and Japan, and so their range and fishing grounds are comparatively limited geographically. Depending on the dynamics of the Gulf Stream and other oceanographic forces, the proposed areas can be very important fishing grounds for the U.S. PLL fishery. The closure of this important fishing area would displace and concentrate the U.S. small vessel fleet into smaller areas presenting a logistical limit to the amount of gear the fleet can safely set. Such a reduction in effort would translate to a reduction in the U.S. catch of quotas allocated to the U.S. through ICCAT.

The U.S. PLL fishery is highly accountable for its catch, bycatch and various operational requirements through an intensive system of 100% Vessel Monitoring System (VMS) coverage, a statistically significant level of human observer coverage, and 100% coverage by video surveillance cameras (electronic monitoring). It is fully compliant with the domestic and ICCAT regulatory regimes. It has participated in the research, development, implementation and global advancement of the most effective sea turtle bycatch reduction regime for PLL fisheries in the world.

Similarly, the U.S. PLL fishery has assumed the leadership role for HMS conservation at ICCAT where, for one example, it played a major part in establishing the successful rebuilding plan for the north Atlantic swordfish stock. Domestically, each and every U.S. PLL vessel is held precisely accountable to its bycatch quota share of bluefin tuna. No other PLL fishery or fishing nation in the world has achieved or advanced a comparable standard of conservation for HMS fish stocks or protected species bycatch. Not even close.

Consequently, any reduction in the U.S. PLL catch of ICCAT quotas caused by the closure of the proposed areas will result in those quotas being reallocated by ICCAT to other fishing nations which do not manage or control their fisheries to conserve target or bycatch species in a comparable manner to the US. Thus, the consequence of reallocating US ICCAT quotas to other nations will be a net reduction in the conservation of swordfish, tuna, billfish and shark stocks, and a net reduction in the protection of sea turtles and marine mammals. In this respect, such a closure could have the perverse and counterproductive effect of actually triggering overfishing of HMS fish stocks by foreign fisheries and increasing their bycatch of sea turtle and marine mammal species the U.S. has invested so heavily in protecting.

### **Adverse Impacts on U.S. Fisheries and Coastal Communities**

The U.S. PLL fishery is an important component of US Atlantic coast fisheries and communities. As explained above, our fishery would be adversely impacted by a Monument closure. While the U.S. PLL catch in the proposed areas varies from year to year and from vessel to vessel, many of our fishermen report that this area has generated as much as 30 percent of their annual income.

Furthermore, like other U.S. fisheries, the U.S. PLL fishery has been placed at a severe competitive disadvantage in the U.S. seafood marketplace to imports from other nations

that do not come close to operating at the US standard of conservation. Taking a unilateral action to further reduce the catch and economic viability of our fishery will only enhance the competitive advantage of foreign fisheries and increase the level of seafood imports in the US marketplace. Your establishment of the "Presidential Task Force on Combating IUU Fishing and Seafood Fraud" certainly confirms that this would be of real concern.

**Existing Conservation and Management Regime is Effective**

As discussed above, a very intensive, science-based domestic and multilateral conservation and management regime is in place for U.S. HMS fisheries. This regime is fully transparent, accessible and inclusive of all stakeholders, it is based on the advice of a credible global scientific body in which the U.S. participates extensively, and it is subject to an exceptionally aggressive monitoring and compliance program.

This comprehensive and effective domestic and international management regime has demonstrated its ability and commitment to address the need for any additional conservation of HMS fish stocks and protected species in the proposed Monument area or anywhere in the Atlantic. So has the U.S. PLL fishery.

We greatly appreciate your consideration of these important points. We trust you can move forward with your objectives for protecting truly unique and sensitive marine habitats without having an unnecessary and potentially counterproductive impact on our fishery and the fish stocks we depend on.

Sincerely,



Terri Lei Beideman  
Executive Director

cc: Ms. Christy Goldfuss, Managing Director,  
White House Council on Environmental Quality;

Mr. Whitley Saumweber, Associate Director for Ocean and Coasts,  
White House Council on Environmental Quality.